

1 CAROLYN A. DYE, SB#97527  
2 LAW OFFICE OF CAROLYN A. DYE  
3 15030 Ventura Blvd. #527  
Sherman Oaks, California 91403  
818.287.7003 [cdye@cadye.com](mailto:cdye@cadye.com)

4 ROBERT GENTINO, SB# 93808  
5 LAW OFFICE OF ROBERT GENTINO  
3151 Cahuenga Boulevard W, Suite 201  
6 Los Angeles, California 90068  
818.509.7272 [Gentinolaw72@gmail.com](mailto:Gentinolaw72@gmail.com)

7  
8 Attorney for Plaintiffs  
PFF Management LLC  
9 TCC Asset Management LLC  
Tracy Kao

10  
11 **UNITED STATES BANKRUPTCY COURT**  
12 **CENTRAL DISTRICT OF CALIFORNIA – SANTA ANA**  
13

14 In re ) #8:23-bk-12652-SC  
15 ROBERTO BAHENA ROSAS ) [Chapter 7]  
16 Debtor )  
17 \_\_\_\_\_ ) COMPLAINT OBJECTING TO DISCHARGE  
PFF MANAGEMENT LLC ) OF DEBT UNDER 11 U.S.C. § 523(a)(2) and §  
TCC ASSET MANAGEMENT LLC ) 523(a)(6)  
TRACY KAO )  
19 \_\_\_\_\_ )  
20 Plaintiffs )  
v. )  
21 ROBERTO BAHENA ROSAS )  
22 \_\_\_\_\_ )  
Defendant. )  
23 \_\_\_\_\_ )  
24  
25  
26  
27  
28

1 Plaintiffs PFF Management LLC, TCC Asset Management LLC, and Tracy Kao allege:

2 1. Defendant filed a voluntary petition for bankruptcy on December 14, 2023.

3 2. This Court has jurisdiction over this adversary proceeding under 28 U.S.C. § 157 and 1334.

4 3. Venue is proper in this district under 28 U.S.C. § 1409.

5 4. On October 16, 2023, Plaintiffs filed a state court action for violation of Business &  
6 Professions Code §7028 and Code of Civil Procedure §1029.8 and fraud due to Debtor's charges and  
7 receipt of \$188,450.47 for illegal, unlicensed contractor work, as alleged in State Complaint, Ex. 1.

8 5. This debt is not subject to discharge under 11 U.S.C. § 523(a)(2) and § 523(a)(6) because  
9 Defendant received money for illegal work, punishable as a misdemeanor.

10 7. This debt is not subject to discharge under 11 U.S.C. § 523(a)(2) and § 523(a)(6) because  
11 Defendant fraudulently concealed from Plaintiffs that he was unlicensed.

12 8. Had Plaintiffs known that Defendant was unlicensed, Plaintiffs would not have hired, nor paid  
13 Plaintiffs \$188,450.47.

15 Plaintiffs pray for Judgment:

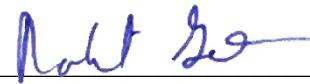
16 1. Objecting to discharge of this debt.

17 2. \$188,450.47 plus interest.

18 3. Costs and attorney fees.

19 4. Such further relief deemed appropriate.

21 March 25, 2024



22 Robert Gentino

# EXHIBIT 1

PLD-C-001

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Robert Gentino, Esq. #93808 Law office of Robert Gentino 3151 Cahuenga Blvd. W., #201 Los Angeles, CA 90068	<small>FOR COURT USE ONLY</small>  Electronically FILED by Superior Court of California, County of Los Angeles 10/16/2023 2:16 PM David W. Slayton, Executive Officer/Clerk of Court, By S. Ruiz, Deputy Clerk
TELEPHONE NO: 818.509.7272      FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): Gentinolaw72@gmail.com	
ATTORNEY FOR (Name): PFF Management LLC; TCC Asset Management LLC; Tracy Kao	
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES</b>	
STREET ADDRESS: 111 N. Hill St.	
MAILING ADDRESS: same	
CITY AND ZIP CODE: Los Angeles, CA 90012	
BRANCH NAME: Stanley Mosk	
PLAINTIFF: PFF Management LLC; TCC Asset Management LLC; Tracy Kao	
DEFENDANT: Roberto Bahena	
<input checked="" type="checkbox"/> DOES 1 TO 10	
<b>CONTRACT</b>	
<input checked="" type="checkbox"/> COMPLAINT	<input type="checkbox"/> AMENDED COMPLAINT (Number): _____
<input type="checkbox"/> CROSS-COMPLAINT	<input type="checkbox"/> AMENDED CROSS-COMPLAINT (Number): _____
Jurisdiction (check all that apply):	
<input type="checkbox"/> ACTION IS A LIMITED CIVIL CASE Amount demanded <input type="checkbox"/> does not exceed \$10,000 <input type="checkbox"/> exceeds \$10,000 but does not exceed \$25,000	
<input checked="" type="checkbox"/> ACTION IS AN UNLIMITED CIVIL CASE (exceeds \$25,000)	
<input type="checkbox"/> ACTION IS RECLASSIFIED by this amended complaint or cross-complaint	
<input type="checkbox"/> from limited to unlimited <input type="checkbox"/> from unlimited to limited	
CASE NUMBER: <b>23STCV25178</b>	

1. Plaintiff\* (name or names):  
PFF Management LLC; TCC Asset Management LLC; Tracy Kao  
alleges causes of action against defendant\* (name or names):  
Roberto Bahena and DOES 1 TO 10
2. This pleading, including attachments and exhibits, consists of the following number of pages: 6
3. a. Each plaintiff named above is a competent adult
  - except plaintiff (name): PFF Management LLC and TCC Asset Management LLC
    - (1)  a corporation qualified to do business in California
    - (2)  an unincorporated entity (describe): LLC
    - (3)  other (specify): \_\_\_\_\_
  - b.  Plaintiff (name):
    - a.  has complied with the fictitious business name laws and is doing business under the fictitious name (specify): \_\_\_\_\_
    - b.  has complied with all licensing requirements as a licensed (specify): \_\_\_\_\_
    - c.  Information about additional plaintiffs who are not competent adults is shown in Attachment 3c.
4. a. Each defendant named above is a natural person
 

<input type="checkbox"/> except defendant (name): <ol style="list-style-type: none"> <li>(1) <input type="checkbox"/> a business organization, form unknown</li> <li>(2) <input type="checkbox"/> a corporation</li> <li>(3) <input type="checkbox"/> an unincorporated entity (describe): _____</li> <li>(4) <input type="checkbox"/> a public entity (describe): _____</li> <li>(5) <input type="checkbox"/> other (specify): _____</li> </ol>	<input type="checkbox"/> except defendant (name): <ol style="list-style-type: none"> <li>(1) <input type="checkbox"/> a business organization, form unknown</li> <li>(2) <input type="checkbox"/> a corporation</li> <li>(3) <input type="checkbox"/> an unincorporated entity (describe): _____</li> <li>(4) <input type="checkbox"/> a public entity (describe): _____</li> <li>(5) <input type="checkbox"/> other (specify): _____</li> </ol>
--	--

\* If this form is used as a cross-complaint, plaintiff means cross-complainant and defendant means cross-defendant.

Page 1 of 2

PLD-C-001

SHORT TITLE: PFF Management v. Bahena	CASE NUMBER:
--	--------------

4. (Continued)

- b. The true names of defendants sued as Does are unknown to plaintiff.
- (1)  Doe defendants (*specify Doe numbers*): 1 - 10 were the agents or employees of the named defendants and acted within the scope of that agency or employment.
- (2)  Doe defendants (*specify Doe numbers*): 1 - 10 are persons whose capacities are unknown to plaintiff.
- c.  Information about additional defendants who are not natural persons is contained in Attachment 4c.
- d.  Defendants who are joined under Code of Civil Procedure section 382 are (*names*):

5.  Plaintiff is required to comply with a claims statute, and

- a.  has complied with applicable claims statutes, or  
b.  is excused from complying because (*specify*):

6.  This action is subject to  Civil Code section 1812.10  Civil Code section 2984.4.

7. This court is the proper court because

- a.  a defendant entered into the contract here.  
b.  a defendant lived here when the contract was entered into.  
c.  a defendant lives here now.  
d.  the contract was to be performed here.  
e.  a defendant is a corporation or unincorporated association and its principal place of business is here.  
f.  real property that is the subject of this action is located here.  
g.  other (*specify*):

Defendant committed Statutory Violations and Frauds in South Pasadena, CA.

8. The following causes of action are attached and the statements above apply to each (*each complaint must have one or more causes of action attached*):

Breach of Contract

Common Counts

Other (*specify*):

Statutory Violation; Fraud; Declaratory Relief

9.  Other allegations:

Punitive damages are warranted due to Defendant's fraud and willful statutory violations punishable as a misdemeanor

10. Plaintiff prays for judgment for costs of suit; for such relief as is fair, just, and equitable; and for

- a.  damages of: \$188,450.47  
b.  interest on the damages  
(1)  according to proof  
(2)  at the rate of (*specify*): percent per year from (*date*):  
c.  attorney's fees  
(1)  of: \$  
(2)  according to proof.  
d.  other (*specify*):

Punitive damages of \$50,000

11.  The paragraphs of this pleading alleged on information and belief are as follows (*specify paragraph numbers*):

Date: 10-12-23

Robert Gentino

(TYPE OR PRINT NAME)

  
(SIGNATURE OF PLAINTIFF OR ATTORNEY)

(If you wish to verify this pleading, affix a verification.)

PLD-PI-001(3)

SHORT TITLE: PFF Management v. Bahena	CASE NUMBER
--	-------------

First \_\_\_\_\_ CAUSE OF ACTION—Intentional Tort Page 3 \_\_\_\_\_  
(number)

ATTACHMENT TO  Complaint  Cross - Complaint

*(Use a separate cause of action form for each cause of action.)*

IT-1. Plaintiff (name): PFF Management LLC

alleges that defendant (name): Roberto Bahena

Does 1 \_\_\_\_\_ to 10 \_\_\_\_\_

was the legal (proximate) cause of damages to plaintiff. By the following acts or omissions to act, defendant intentionally caused the damage to plaintiff

on (date): 2020 - 2023

at (place): South Pasadena, California

(description of reasons for liability):

VIOLATION OF BUSINESS & PROFESSIONS CODE 7028 AND CODE OF CIVIL PROCEDURE 1029.8.

1. From 2020 - 2023, PFF Management LLC ("PFF"), based in South Pasadena, CA, agreed to and did hire Roberto Bahena to perform contractor services including construction, alterations, repairs, improvements, and demolition at five buildings and structures in San Bernardino, Moreno Valley, and Needles, CA in violation of Business & Professions Code 7028 without knowing that Bahena was an unlicensed contractor.
2. From 2020 - 2023, PFF paid Bahena \$188,450.47 for his illegal, unlicensed contractor work.
3. On October 2, 2023, Bahena threatened to sue Plaintiffs in small claims court to recover \$6,620.96 for illegal, unlicensed contractor work performed for PFF, even though PFF had fully paid Bahena.
4. On October 11, 2023, after hiring an attorney, Plaintiffs learned that Bahena was never a licensed contractor in violation of Business & Professions Code 7028.
5. On October 11, 2023, Bahena admitted to Plaintiffs that he was an unlicensed contractor, yet repeated his threat to file a small claims action against Plaintiffs unless he received \$6,620.96, notwithstanding Plaintiffs' informing Bahena that as an unlicensed contractor, he could recover no money from Plaintiffs. See S&Q Construction Co. v. Palma Celia Development Organization (1960) 179 Cal.App.2d 364.
6. Under Business & Profession Code 7028, a contract entered into by an unlicensed contractor is illegal and punishable as a misdemeanor. See Albaugh v. Moss Construction Co. (1954) 125 Cal.App.2d 126.
7. PFF is entitled to a return of \$188,450.47 paid to Bahena under an illegal contract.

PLD-C-001(3)

SHORT TITLE: PFF Management v. Bahena	CASE NUMBER:
--	--------------

Second

## CAUSE OF ACTION—Fraud

(number)

ATTACHMENT TO  Complaint  Cross-Complaint

(Use a separate cause of action form for each cause of action.)

FR-1. Plaintiff (name): PFF Management LLC

alleges that defendant (name): Roberto Bahena

on or about (date): 2020 - 2023

defrauded plaintiff as follows:

FR-2.  Intentional or Negligent Misrepresentation

a. Defendant made representations of material fact  as stated in Attachment FR-2.a  as follows:

b. These representations were in fact false. The truth was  as stated in Attachment FR-2.b  as follows:

c. When defendant made the representations,

defendant knew they were false, or

defendant had no reasonable ground for believing the representations were true.

d. Defendant made the representations with the intent to defraud and induce plaintiff to act as described in item FIR-5. At the time plaintiff acted, plaintiff did not know the representations were false and believed they were true. Plaintiff acted in justifiable reliance upon the truth of the representations.

FR-3.  Concealment

a. Defendant concealed or suppressed material facts

as stated in Attachment FR-3.a

as follows:

That Bahena was an unlicensed contractor

b. Defendant concealed or suppressed material facts

defendant was bound to disclose.

by telling plaintiff other facts to mislead plaintiff and prevent plaintiff from discovering the concealed or suppressed facts.

c. Defendant concealed or suppressed these facts with the intent to defraud and induce plaintiff to act as described in item FIR-5. At the time plaintiff acted, plaintiff was unaware of the concealed or suppressed facts and would not have taken the action if plaintiff had known the facts.

Page 4

PLD-C-001(3)

SHORT TITLE: PFF Management v. Bahena	CASE NUMBER:
--	--------------

Second \_\_\_\_\_  
(number)

**CAUSE OF ACTION—Fraud**

FR-4.  **Promise Without Intent to Perform**

- a. Defendant made a promise about a material matter without any intention of performing it  as stated in Attachment FR-4.a  as follows:

b. Defendant's promise without any intention of performance was made with the intent to defraud and induce plaintiff to rely upon it and to act as described in item FR-5. At the time plaintiff acted, plaintiff was unaware of defendant's intention not to perform the promise. Plaintiff acted in justifiable reliance upon the promise.

FR-5. In justifiable reliance upon defendant's conduct, plaintiff was induced to act  as stated in Attachment FR-5  as follows:

1. From 2020 - 2023, PFF Management LLC ("PFF"), based in South Pasadena, CA, agreed to and did hire Roberto Bahena to perform contractor services including construction, alterations, repairs, improvements, and demolition at five buildings and structures in San Bernardino, Moreno Valley, and Needles, CA in violation of Business & Professions Code 7028 without knowing that Bahena was an unlicensed contractor.
2. From 2020 - 2023, PFF paid Bahena \$188,450.47 for his illegal, unlicensed contractor work.

FR-6. Because of plaintiff's reliance upon defendant's conduct, plaintiff has been damaged  as stated in Attachment FR-6  as follows:

\$188,450.47 paid to Bahena under an illegal contract.

FIR - 7. Other:

PFF should be awarded \$50,000 as punitive damages for Bahena's fraud.

### **THIRD CAUSE OF ACTION**

**(Declaratory Relief)**

3 12. From 2020 - 2023, PFF Management LLC ("PFF"), based in South Pasadena, CA, agreed to  
4 and did hire Roberto Bahena to perform contractor services including construction, alterations,  
5 repairs, improvements, and demolition at five buildings and structures in San Bernardino, Moreno  
6 Valley, and Needles, CA in violation of Business & Professions Code 7028 without knowing that  
7 Bahena was an unlicensed contractor.

8 | 13. From 2020 - 2023, PFF paid Bahena \$188,450.47 for his illegal, unlicensed contractor work.

9 14. On October 2, 2023, Bahena threatened to sue Plaintiffs in small claims court to recover  
10 \$6,620.96 for illegal, unlicensed contractor work performed for PFF, even though PFF had fully paid  
11 Bahena.

12 15. A dispute has arisen concerning the rights and duties of the parties. Bahena contends that  
13 Plaintiffs owe him \$6,620.96 for illegal, unlicensed contractor work, and Plaintiffs contend that they  
14 owe Bahena nothing because he performed the work as an unlicensed contractor.

15 16. A judicial determination is necessary to determine the rights and duties of the parties.

16

17

18

19

20

31

30

88

— 3 —

—